

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIAOCT 2 - 2007
U.S. DISTRICT COURT
CHARLESTON, WV 26301

IN RE:

STATE OF WEST VIRGINIA,

Plaintiff

v.

Miscellaneous No. 1:07mc48

CARSON ROBINSON,

Defendant.

ORDER DENYING REQUEST OF ASSISTANT PROSECUTING ATTORNEY
AND DISALLOWING TESTIMONY OF UNITED STATES PROBATION
OFFICER HEATHER CAMPBELL IN CERTAIN MATTERS

Lea Anne Hawkins, Assistant Prosecuting Attorney for Marion County, West Virginia, served a subpoena upon United States Probation Officer Heather Campbell seeking the testimony of Officer Campbell as a witness in the Circuit Court of Marion County, West Virginia in Case No. 02-F-127. The subpoena seeking her appearance and testimony on October 9, 2007 was served upon Officer Campbell's husband, in her absence, on September 10, 2007, but, due to her absence, not served on Officer Campbell until September 28, 2007. The subpoena did not include an Affidavit setting forth a written statement explaining the nature of the testimony, the relevance of the testimony, or the reasons why the information being sought was not readily available from other sources or by other means. Also, the subpoena was not served timely pursuant to the Rules for Disclosure adopted by the Judicial Conference of the United States in March 2003.

STATE OF WEST VIRGINIA v. Robinson

Miscellaneous No.

**ORDER DENYING REQUEST OF ASSISTANT PROSECUTING ATTORNEY
AND DISALLOWING TESTIMONY OF UNITED STATES PROBATION
OFFICER HEATHER CAMPBELL IN CERTAIN MATTERS**

For these reasons, the Court orders that Officer Campbell not provide any testimony at this time in Case No. 02-F-127 in the Circuit Court of Marion County, West Virginia.

IT IS SO ORDERED.

The Clerk is **DIRECTED** to serve copies of this order to all counsel of record, to all appropriate agencies, and to United States Probation Officer Heather Campbell and Deputy Chief U.S. Probation Officer Terry L. Huffman. A certified copy of this order shall also be delivered to the Honorable Fred L. Fox, II, Judge of the Circuit Court of Marion County, West Virginia.

DATED: October 1, 2007.

/s/ Irene M. Keeley

IRENE M. KEELEY,
UNITED STATES DISTRICT JUDGE